

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NELDA KELLOM, as personal
representative of the estate of
TERRANCE KELLOM, deceased,

Civil No. 17-cv-11084

Plaintiff,

v.

Hon. Sean F. Cox
Mag. Anthony P. Patti

MITCHELL QUINN, Immigration and
Customs Enforcement Agent,

Defendant.

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**PLAINTIFFS' RESPONSE TO DEFENDANT MITCHELL QUINN'S
MOTION IN LIMINE NO. 3 TO EXCLUDE REFERENCE TO ALLEGED
LAW ENFORCEMENT MISCONDUCT NOT INVOLVING HIM**

NOW COMES Plaintiffs, by and through their attorneys at Ayad Law, PLLC, and hereby Responds to Defendant's Motion *in Limine* No. 3, stating the following:

ARGUMENT

I. Although Plaintiff's Counsel Does Not Intend to Argue, Mention, or Elicit Mention of Specific Police Shootings, Plaintiff Does Reserve the Right to Ask The Investigator In Charge of Terrance Kellom's Homicide Investigation Why he was Chosen to Lead His First Homicide Investigation in a Police-Shooting Case.

Plaintiff's allegations in this case include the fact that the homicide investigation into Terrance Kellom's death and Defendant's actions was either 1) extremely negligent or 2) willfully 'botched.' This argument is not just correct, but also necessary for Plaintiff's position that Terrance did not have a hammer when he was shot dead. The fact that the public at large was highly concerned with police shooting cases at the time the rookie lead investigator was chosen gives credence to Plaintiff's position. In this aspect, and for this purpose, the state of the public opinion regarding police shootings is relevant and admissible under the Federal Rules of Evidence.

Under the Federal Rules of Evidence, all relevant evidence is admissible. Fed. R. Evid. 402. The rules define "relevant evidence" as any "evidence having any tendency to make the existence of any fact of consequence to the determination of the action more probable or less probable than it would be without the evidence." Fed. R. Evid. 401. The "fact of consequence" here is whether or not a rookie detective was intentionally chosen to lead the investigation into Terrance Kellom's homicide. That fact is made "more probable" by the

evidence that, in 2015, police shootings of young black men were a highly controversial, ‘hot button’ issue at the forefront of the public consciousness.

When this counsel asked the lead investigator on Terrance’s homicide (Detective Richard Sanchez) why he, a rookie, was chosen to lead the investigation into a shooting involving Detroit Police and former Detroit Police, instead of another detective who did not work in the Detroit Police Headquarters, in the joint Michigan State Police/Detroit Police Homicide Unit, his answer was convoluted and contradictory. He stated that 1) he was selected randomly on a list of rotating lead investigators, 2) the list had just been written, 3) it was written by a Detroit Police employee, 4) his (Det. Sanchez’s) name was the first on the list. See **Exhibit A, Excerpt from Deposition of Detective Sanchez.**

CONCLUSION

WHEREFORE, for the above-given reasons, Plaintiff respectfully requests that this honorable Court DENY Defendant’s Motion *in Limine*.

Respectfully submitted,

AYAD LAW, PLLC

/s/Nabih H. Ayad

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Dated: July 12, 2019

CERTIFICATION OF SERVICE

I hereby certify that on July 12, 2019, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification to all counsel of record.

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Respectfully submitted,

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Dated: July 12, 2019